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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 03-60031

VERSUS

JUDGE MELANÇON

THERON DEMOINE BOSLEY

MAGISTRATE JUDGE HILL

**ORDER**

Before the Court are the Defendant's Motion for Reconsideration of Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) and Request for Hearing [Rec. Doc. 45] and Motion to Supplement Motion for Reconsideration of Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) and Request for Hearing [Rec. Doc. 47]. Section 1B1.10(a)(1) of the United States Sentencing Guidelines states that "the court **may** reduce the defendant's term of imprisonment" if the guideline range applicable to that defendant has been retroactively lowered. U.S.S.G. §1B1.10(a)(1) (emphasis added). As noted by counsel for the defendant, in determining whether a reduction is warranted, the Court may consider the post-sentencing conduct of the defendant.

In this case, the defendant's Bureau of Prisons disciplinary record reveals instances of insolence to staff members, refusal to obey orders, absence from work assignments, violation of visitation regulations, and refusal to work. The Court believes that this record alone justifies a denial of relief. However, the Court has also considered the defendant's lengthy criminal history including possession of cocaine, 2 occasions of disturbing the peace by fighting, 2 occasions of possession

of marijuana, criminal trespass, and violation of a protective order. These convictions are in addition to several unadjudicated arrests. Further, given the circumstances of the conviction for which the defendant is currently serving a prison sentence, including the fact that he was carrying a loaded weapon at the time of the offense, and the fact that he was only 25 years old when he was sentenced, the Court will not deviate from its denial of relief.

The Court does note defendant's achievements during his incarceration and encourages defendant to continue to engage in these positive programs. However, the achievements listed simply do not outweigh defendant's disciplinary record and criminal history. Accordingly, it is

**ORDERED** that defendant's Motions [Rec. Doc. 45 & 47] is **DENIED**.

**THUS DONE AND SIGNED** this 24<sup>th</sup> day of April, 2008 at Lafayette, Louisiana.



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Tucker L. Melançon  
United States District Judge